

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:16-CR-4-BR

UNITED STATES OF AMERICA

v.

VICTOR MANUEL NUNEZ-BATISTA

ORDER

This matter came before the court on the government's "notice of appeal" from the 27 January 2016 release order of U.S. Magistrate Judge Robert A. Numbers II, which the court construes a motion for revocation of the order pursuant to 18 U.S.C. § 3145(a)(1). The court held a hearing on the government's motion on even date herewith. The government presented the testimony of an agent with the Department of State and an agent with the Department of Homeland Security. Defendant presented the testimony of two additional proposed third-party custodians and introduced one exhibit. In addition, the court has considered the revised pretrial services report and the 26 and 27 January 2016 testimony from the detention hearing. After undertaking a *de novo* review and considering the arguments presented, and based on the findings and reasons stated in open court, the court finds by a preponderance of the evidence that there is no condition or combination of conditions that will reasonably assure defendant's appearance as required if he is released. The government's motion for revocation of the release order is therefore GRANTED.

It is ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This 8 February 2016.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt

Senior U.S. District Judge